

## **REMARKS**

### ***I. Introductory Remarks and Status of the Application***

Claims 5-20 are all the claims pending in the application, and have all received substantive examination.

The Examiner has objected to claim 16 because of a spelling error. In addition, the Examiner has rejected claims 5-20 under 35 U.S.C. § 103(a) as being unpatentable over US 6,795,137 to Whitted et al. (Whitted) in view of US 2007/0085816 to Evanicky et al. (Evanicky). The present Amendment addresses each point of objection and rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

By the present Amendment, Applicant is amending claims 5, 12 and 16.

### ***II. Claim Rejections***

As noted in Applicant's previous response (filed April 22, 2009), Whitted relates to energy efficient transmissive and transreflective display devices that utilize ambient light from a natural or artificial source to replace or supplement light normally supplied by a backlight. One or more photo-sensors detect the amount of light incident on the front and/or rear of the display panel. The photo-sensor output is then used to automatically adjust the backlight intensity. *See* e.g. Abstract. In this previous response, which is hereby incorporated into the present response by reference, Applicant demonstrated that Whitted is clear and consistent in disclosing that the sensor 502 measures the intensity of ambient light falling on the front of the display panel 206 (see, e.g., Fig. 12 and the passages referenced in Applicant's previous response).

The grounds of rejection acknowledge that Whitted alone fails to teach or suggest the arrangements claimed in Applicant's various formulations of the inventive subject matter (see, e.g., claims 5, 12 and 16). The grounds of rejection therefore propose "to use the sensor of Evanicky in the arrangement of Whitted" (Office Action of July 21, 2009, at items 7 and 13 of the Detailed Action). The grounds of rejection make reference in particular to Fig. 14D and to paragraph [0081] of Evanicky.

Evanicky, at paragraphs [0079] and [0081], discloses:

[an] LCD safe light sensing device 800 (e.g. colorimeter 800a and luminance sensor 800b) as illustrated in FIGS. 14A and 14B [which avoids] the use of suction cups for attaching to the flat panel LCD screen 210. FIGS. 14A and 14B illustrate a side view and a front view, respectively, of LCD safe light sensing device 800 according to the present embodiment. As illustrated, light sensing device 800 includes a housing 842 [sic: 841] for containing light sensors 840, a shroud 830, and a cable 844 protruding from housing 842. Light sensor 840 may comprise a sophisticated tri-stimulus sensor or a simple luminance meter. Preferably, shroud 830 is made of a soft rubber foam material for providing a light tight environment for light sensors 840 without causing significant "bowing" in the flat panel display screen 210.... FIG. 14D illustrates a luminance sensor 800b mounted to flat panel monitor 216 using hanger 842 according to the present embodiment. As illustrated, luminance sensor 800b is rested in the U-shaped portion 843 of hanger 842. In addition, J-shaped arms 815 are securely attached to a top portion of flat panel monitor 216. In this way, shroud 830 [see Fig. 14A] is lightly pressed against flat panel LCD screen 210 to prevent ambient light from interfering with the monitor calibration process. FIG. 14D also shows an input jack 845 in flat panel LCD monitor 216 for receiving luminance data via cable 844 of light sensing device 800. Significantly, the present embodiment enables optical characteristics of the flat panel LCD screen 210 to be accurately measured.

As evident from the summaries above, even if Whitted were modified "to use the sensor of Evanicky," as proposed in the new grounds of rejection, this would not produce the arrangements as claimed in independent claims 5, 12 or 16. Accordingly, the Examiner is requested to reconsider the grounds of rejection and withdraw them. The distinctions are

explained in greater detail, with specific reference to the language of the independent claims, below.

Independent claim 5 requires: “first light-permeable parts arranged between the back light and [a] sensor, wherein: the sensor senses the luminance of the first light-permeable parts,” as well as “[a] panel [which] comprises second light-permeable parts, [wherein] the back light is arranged between the first light-permeable parts and the second light-permeable parts.” Both Whitted and Evanicky, either alone or in combination, fail to teach or suggest an arrangement fulfilling, in combination, each of the above requirements. In particular, the references do not disclose an arrangement in which the panel comprises the second light-permeable parts and the back light is arranged between first light-permeable parts and second light-permeable parts. Thus, even if, as done in the grounds of rejection, the panel 206 were analogized to the “first light-permeable parts,” the diffuser 208 were analogized to the “second light-permeable parts,” and the back light were analogized to the backlight 510 of Fig. 12 or the backlight 207 of Fig. 13, claim 5 cannot be read on the arrangement proposed by the grounds of rejection.

Specifically, even if the LCD safe light sensing device 800 of Evanicky were placed on the display screen 105 of Whitted and directed toward the liquid crystal panel 206, only the diffuser 208 of Whitted could be construed as the claimed “second light-permeable parts,” given the requirement in claim 5 that “the back light is arranged between the first light-permeable parts and the second light permeable parts.” However, claim 5 additionally requires that “the panel comprises [the] second light-permeable parts,” which does not hold true for the diffuser 208.

The disclosures of Whitted and Evanicky are equally ineffective in teaching or suggesting the arrangement claimed in independent claim 12. Claim 12 recites: “further light-permeable parts arranged between the back light and the sensor, wherein the backlight is arranged between the light-permeable parts of the panel and the further light-permeable parts.” The language of claim 12 forecloses any construction whereby these limitations read on the actual disclosures Whitted and Evanicky alone or in combination. No permutation of the disclosures of Whitted and Evanicky would both: (1) arrange the backlight between the light permeable parts of the panel and further light-permeable parts, and (2) arrange the further light-permeable parts between the backlight and a sensor.

Finally, independent claim 16 recites, *inter alia*, “a flat screen display panel having ... a first light-permeable layer...; a back light illuminating the panel ...; and ...a sensor detecting a luminance of the backlight through [a] second light-permeable layer but not through the first light-permeable layer.” No conceivable and reasonable combination of Whitted and Evanicky provides a sensor that detects a luminance of the backlight of Whitted through a second light-permeable layer but not through the first light-permeable layer.

Independent claims 5, 12 and 16 are considered patentable over the art of record at least for the reasons given above. The pending dependent claims are patentable at least by virtue of their respective dependencies.

### ***III. Concluding Remarks***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

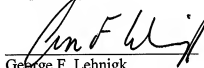
AMENDMENT UNDER 37 C.F.R. § 1.114(c)  
U.S. Application No.: 10/557,529

Attorney Docket No.: Q106466

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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